

**DECLARATION OF CARRIE GOLDBERG
PURSUANT TO 28 U.S.C. § 1746**

I, Carrie Goldberg hereby state that I have personal knowledge of the facts set forth below. If called as a witness, I could and would testify competently as follows:

1. I am a citizen of the United States and over the age of eighteen (18) years old. I am self-employed as an attorney at my practice C. A. Goldberg, PLLC, which is a law firm focusing on internet privacy and abuse, domestic violence, and sexual consent. My office address is 16 Court Street, Suite 2500 Brooklyn, NY 11241.
2. Since we opened in January 2014, my law firm has handled over one hundred matters involving sexual privacy invasions, over half of which involved nonconsensual pornography.
3. My law firm has removed 16,702 nonconsensual porn videos and pictures from the internet, as of July 2017.
4. Approximately fifteen of our cases have been for individuals whose naked videos and images were posted on MyEx.com without my clients' consent.
5. I am a Board Member and Volunteer Attorney at the Cyber Civil Rights Initiative (CCRI) and have focused extensively on its End Revenge Porn Campaign.
6. CCRI has worked on the issue of non-consensual pornography since its

inception in August 2013. It has helped thousands of victims who are fighting against online abuse by providing support and referral service to victims; advocating for legislation; collaborating with the tech industry to develop design-based solutions; and educating courts, lawmakers, law enforcement and the general public about the nature and prevalence of online abuse. We also have worked extensively with major social media companies to help them create and implement bans on nonconsensual pornography on their platforms.

7. Nonconsensual pornography is the preferred term used to describe what more commonly is referred to as “revenge porn”—the distribution of private, sexually explicit images and videos of individuals without their consent. Commonly the images are selfies that were shared privately with a partner within the context of a private intimate relationship, but then distributed beyond the relationship. It includes situations when not just the distribution is nonconsensual, but also when the capture of the images is nonconsensual, as well as, in some cases, when the underlying sex act is nonconsensual—such as surreptitiously recorded videos and videos depicting sexual assault.
8. Nonconsensual pornography can destroy victims’ lives. It can disrupt intimate relationships, as well as the victim’s educational and employment

opportunities. Victims of nonconsensual pornography have been fired from jobs and forced to change schools.

9. Victims of nonconsensual pornography are also routinely threatened with sexual assault, and are often stalked and harassed.
10. Victims of nonconsensual pornography often struggle with issues related to mental health, including anxiety and depression. In my work, my clients have engaged in self-harming behavior as a result of their anguish—including cutting, anorexia and bulimia, and alcohol and drug abuse. They all report feelings of exposure and in cases where their images were posted online for countless people to view, they report being constantly occupied by the fear that strangers have seen them naked. And in most cases, it's true.
11. Some victims of nonconsensual pornography have committed suicide. Some of my clients are minors. Of the dozens of minors I've helped, every single one has reported experiencing the wish to kill themselves as a result of the nonconsensual pornography. The shame is that profound and feels inescapable to them.
12. Domestic abusers routinely use nonconsensual pornography as a threat to prevent a partner from leaving a relationship, reporting abuse, or seeking custody of children. I had a prospective client who was coerced into

marriage by somebody who threatened to send naked pictures of her to her conservative Muslim family in the Middle East. In another case, my client obliged to an anonymous stalker's demand she film herself having sex with strangers in hopes he would not make good on his threat to distribute naked pictures of her that he had. He distributed them anyway. I've had three cases in which a man tried to submit nude pictures of his ex-wife into the court record of family court proceedings to prove she was unfit to have custody of their shared children. One time a young woman was told to masturbate for three minutes in front of her webcam unless she wanted the offender to share a naked picture with all of her Facebook friends.

13. Often individuals whose images are posted did not make the pictures available to anyone. Some are victims of sexual assaults that have been recorded. Some victims are recorded without their knowledge. Others have private images stolen from them by individuals they have not met.
14. Victims who do make intimate images available to intimate partners have entrusted another person with sensitive information, at times with the express condition that it not be shared. Private sexual information deserves no less protection under the law than private financial or health information.
15. While men and women can be victims of nonconsensual pornography,

evidence indicates the majority of victims are women. Not only that, but women often face more serious consequences as a result of the victimization, in the form of domestic violence, rape, and sexual harassment. Additionally, women face much more aggressive attacks from the viewers of nonconsensual pornography—many of whom reach out to them online after seeing their personal contact information posted alongside their contact information.

16. A growing number of states have criminalized nonconsensual pornography.
17. The criminal laws target the individual posters of the material, and often do not capture those individuals who encourage and facilitate dissemination of nonconsensual pornography and are motivated by a desire for money or notoriety, or do so out of boredom, the thrill of hacking another person, or to boast.
18. The website MyEx.com has negatively affected my clients in many ways. All of my clients who appeared on MyEx.com were women. They all came to me completely humiliated and ashamed and absolutely sure their naked images would stay online for the rest of their lives. During my first year of practice, about 40% of all my cases relating to nonconsensual pornography involved women whose images were published on MyEx.com.
19. My first case involved a 19-year-old student who had no idea how her

picture got up there. Her first and last name, city and state were all posted alongside the images. And she dropped out of community college after strangers contacted her to tell her about the pictures. Her mother had recently died and she lived with her father in constant fear that his grief would be exacerbated if he discovered the naked pictures online.

20. My second client also was posted on MyEx.com. She had never taken a naked picture in her life, but yet two separate profiles depicting her were published on MyEx.com with her first and last name, age, and city and state. Somebody had stolen a picture of her at the beach off her friend's Facebook page and then photo shopped off her bathing suit. Even though the naked body parts visible in the picture did not belong to her, she was equally humiliated and harassed by viewers as if they had been. She was new to New York and had just landed the job of her dreams at a fashion company, but stayed up late at night and couldn't eat because she was so worried about how she would tell her workplace.
21. People of all ages are on display on MyEx.com. One notable case involved a woman in her 40's with a ten-year-old son whose pictures were online. She was emerging from a horribly abusive relationship when she discovered the pictures on MyEx.com. Although she'd gotten some relief from rescuing her son and herself from the relationship, her world broke

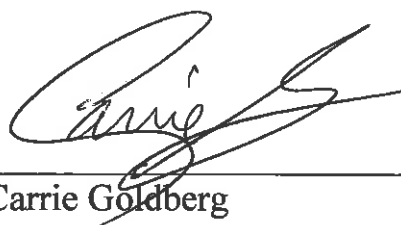
open when she saw the unflattering naked pictures online and she became suicidal. Along with her personal identifying information, the post included comments from viewers who viciously ridiculed the appearance of her body and genitals. I feared she would take her life and had to check in on her every couple of hours for several days until her initial shock wore off.

22. Individuals spend hundreds—if not—thousands of dollars to remove their pictures from MyEx.com. In many cases, victims spend even more money trying to get orders of protection or injunctions against the individuals who post them, but many judges are reluctant to order the offender or website to remove the pictures for fear that the order will be overturned as being a legal restraint on their first amendment rights. This, in spite of the fact that most family courts have the discretion to prohibit abusers from engaging in whatever harmful behavior is relevant to the matter.
23. When I first started my practice and had so many MyEx.com cases, the naked images published on MyEx.com came up very high in the Google results when my clients' names were typed in to the search engine. This had devastating effects for my clients when they applied for jobs, tried to date romantically, or even when shopping for a new apartment. My clients never knew who had Googled them and consequently seen them naked.

24. The ability for a person to have intimate images taken down on an individual basis does not make the person whole. Once a post is public, most often the individual pictured begins to suffer harms immediately. Moreover, the intimate images and information may be preserved in caches of the website, on the Wayback Machine, screenshots or captures made by others, and a host of other places. One can never know if the posting of intimate images and information is fully remediated.
25. Commercial websites that solicit, encourage and share nonconsensual pornography cause individuals to suffer harms in unique ways. In the case of MyEx.com, the images solicited encourage criminal activity. Moreover, the posts on MyEx.com linked to personal and professional social media accounts of the subject, and the site collects very specific contact information of the subject of the image, collects votes for star ratings of the posts, tracks the number of views of each page, and is a prominent result in search engines.
26. The harms caused to consumers by commercial websites, such as MyEx.com, are numerous and are inadequately addressed by after-the-fact takedowns and other available remedies.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Dated: 9-1-17

Signed 
Carrie Goldberg